EXHIBIT Q

Magley, Liza

From: Masimore, Beth <bmasimor@nsf.gov>
Sent: Friday, February 23, 2024 5:08 PM
To: Thornton, Leslie
Cc: Payne, Donna; Dewhurst, Stephen; Stokes, Lee
Subject: RE: Updates re Dias matter [Contains CUI]

[EXTERNAL]

CUI

Thanks, Leslie. I retrieved the document.

From: Thornton, Leslie <Leslie.Thornton@ropesgray.com>
Sent: Friday, February 23, 2024 4:59 PM
To: Masimore, Beth <bmasimor@nsf.gov>
Cc: Payne, Donna <Donna.Payne@Rochester.edu>; Dewhurst, Stephen <Stephen_Dewhurst@URMC.Rochester.edu>; Stokes, Lee <lstokes@nsf.gov>
Subject: [EXTERNAL] - RE: Updates re Dias matter [Contains CUI]

Confidential

Hi Beth,

Sure thing—the respondent's supplementary response is now posted to the extranet site in a new folder. Link and screenshot below.

Let us know if you have any difficulty accessing.

Thanks,
Leslie

https://extranet.ropesgray.net/ropesgray/documentHome.action?metaData.siteID=2751&metaData.parentFolderID=59960&metaData.moduleView=columnView&metaData.paginationNo=0&metaData.loadMoreNo=0&sortOrder=0&filterShared=0

	Name	Status
☐	1_Investigation Report	
☐	2_Exhibits to Investigation Report	
☐	3_Materials Cited in Investigation Report	
☐	4_Key of Interviewee Identifiers	
☐	5_Interview Transcripts	
☐	6_Deciding Official's Determination Letter and Dean's Letter to Respondent Re: Determination	
☐	7_Conflicts of Interest Memorandum	
☑	8_Respondent's Supplemental Response to Draft Investigation Report	

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From: Masimore, Beth <bmasimor@nsf.gov>
Sent: Friday, February 23, 2024 1:28 PM
To: Dewhurst, Stephen <Stephen_Dewhurst@URMC.Rochester.edu>
Cc: Payne, Donna <Donna.Payne@Rochester.edu>; Thornton, Leslie <Leslie.Thornton@ropesgray.com>; Stokes, Lee <lstokes@nsf.gov>
Subject: RE: Updates re Dias matter [Contains CUI]

Steve,

Thank you for letting us know about both topics.

I would like to receive a copy of the supplementary response, understanding that you did not receive it until after the report finalization and University decision.

We do not have a need for discussion currently, but Lee and I remain available to discuss this or any other related matters that arise.

Thanks,
Beth

From: Dewhurst, Stephen <Stephen_Dewhurst@URMC.Rochester.edu>
Sent: Friday, February 23, 2024 2:55 PM
To: Masimore, Beth <bmasimor@nsf.gov>
Cc: Payne, Donna <Donna.Payne@Rochester.edu>; Leslie Thornton <Leslie.Thornton@ropesgray.com>; Dewhurst, Stephen <Stephen_Dewhurst@URMC.Rochester.edu>; Stokes, Lee <lstokes@nsf.gov>
Subject: - Updates re Dias matter

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Confidential

Dear Beth and Lee,

Some updates for your review.

Respondent's Supplemental Response

On February 21, Dr. Dias sent to the University a supplemental response addressing those allegations that he did not address in his January 30 response to the draft report. However, as you know, the Committee finalized its report on February 8 and, after careful review of the Committee's final report, the University notified Dr. Dias of the University's decision on February 14.

Given that Dr. Dias's response comes well after finalization of the Committee's report and the University's final decision as to research misconduct, this supplementary material cannot be considered. Nonetheless, if NSF would like a copy of this supplementary material, the University can post a copy to the extranet website through which all other investigation materials were provided to NSF.

Article 78 Petition

To the extent you are not already aware, Dr. Dias filed an Article 78 petition with the Supreme Court of New York (Monroe County) on January 14, 2024—the same day and after Dr. Dias learned of the University's acceptance of the investigation committee's findings/conclusions.

Specifically, Dr. Dias is seeking to restrain the University "from concluding a critical investigation regarding Dr. Dias's research without considering significant evidence of the University's inappropriate and biased influence on it"—in short, restating the various concerns Dr. Dias has already raised with the University, NSF, and others. He requests the that

court enjoin the University from taking adverse action against him until "a grievance committee establishes an unbiased factual record, and an unbiased investigation committee is convened to evaluate the allegations of research misconduct." In the University's experience, it would be uncommon for a court to intervene in an academic proceeding or to order a new proceeding, particularly here, given that the University has concluded its research misconduct investigation.

Dr. Dias also has requested that that his motion be filed under seal, arguing that "the record contains information prohibited from release by NSF." We also do not understand this request given that, to our knowledge, NSF has not indicated that such action is necessary.

As you know, the investigation committee has completed its work, the University has accepted the committee's findings/conclusions, and the University considers its research misconduct investigation to be complete. The University's next step is to determine appropriate corrective action in accordance with its policies/procedures, while also working to respond to this Article 78 petition.

The University does not believe that this petition, if successful, should affect NSF's work, but we wanted to inform you of this development.

Please let me know if helpful to discuss these updates.

Thank you,

Steve

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